

SUMMARY REPORT OF INVESTIGATION**I. EXECUTIVE SUMMARY**

Date of Incident:	April 28, 2018
Time of Incident:	Approximately 6:00 pm
Location of Incident:	[REDACTED]
Date of COPA Notification:	April 30, 2018
Time of COPA Notification:	1:32 pm

On April 28, 2018, at approximately 6:00 pm, Field Training Officer [REDACTED] (“FTO [REDACTED]”) was on patrol with Probationary Police Officer [REDACTED] (“PPO [REDACTED]”) when he stopped a vehicle driven by [REDACTED] (“[REDACTED]”) near [REDACTED] for a possible seatbelt violation. Upon approaching [REDACTED] vehicle, PPO [REDACTED] stood guard at the passenger’s side of the vehicle while FTO [REDACTED] conversed with [REDACTED] at the driver’s side of the vehicle. [REDACTED] provided officers his driver’s license and proof of insurance and told FTO [REDACTED] that no weapons were inside the vehicle.

[REDACTED] did not consent to a search of his vehicle. However, FTO [REDACTED] instructed [REDACTED] to exit his vehicle and [REDACTED] complied. At FTO [REDACTED] request, PPO [REDACTED] conducted a search of the interior of [REDACTED] vehicle. Nothing was recovered from the search.

Upset regarding the traffic stop, specifically the search of his vehicle, [REDACTED] drove to the [REDACTED] District Station where he attempted to file a complaint with Sgt. [REDACTED] (“Sgt. [REDACTED]”) regarding the traffic stop. Sgt. [REDACTED] refused to register [REDACTED] complaint.

Following an investigation, COPA determined by a preponderance of the evidence that FTO [REDACTED] was justified in his initial stop of [REDACTED], but the search of [REDACTED] vehicle was without justification. And, COPA determined by a preponderance Sgt. [REDACTED] failed to properly address [REDACTED] complaint of misconduct.

II. INVOLVED PARTIES

Involved Field Training Officer #1:	Field Training Officer [REDACTED]; Star # [REDACTED]; Employee ID # [REDACTED]; DOA: [REDACTED], 2006; DOB: [REDACTED], 1979; Male/White
Involved Probationary Police Officer #1:	Probationary Police Officer [REDACTED] Star # [REDACTED]; Employee ID # [REDACTED]; DOA: [REDACTED], 2017; DOB: [REDACTED], 1991; Female/Black
Involved Sergeant #1:	Sergeant [REDACTED]; Star # [REDACTED]; Employee ID# [REDACTED]; DOA: [REDACTED], 2001; DOB: [REDACTED], 1960; Male/White
Involved Individual #1:	[REDACTED], DOB: [REDACTED], 1994; Male/Black

III. ALLEGATIONS¹

Officer	Allegation	Finding / Recommendation
Officer [REDACTED] [REDACTED]	<p>It is alleged that on or about April 28, 2018, at approximately 6:00 pm, at or about [REDACTED] [REDACTED], FTO [REDACTED], # [REDACTED], committed misconduct through the following acts or admissions:</p> <ol style="list-style-type: none"> 1. Initiated a traffic stop on [REDACTED] without justification. 2. Detained [REDACTED] for an unnecessary amount of time during a traffic stop. 3. Permitted PPO [REDACTED] to illegally search the interior of [REDACTED] vehicle without justification. 4. Failed to perform a protective pat-down of [REDACTED]. 	Exonerated Sustained / Violation Noted Sustained / Violation Noted Exonerated
Officer Sgt. [REDACTED] [REDACTED]	<p>It is alleged that on or about April 28, 2018, at approximately 6:00 pm, at or about the [REDACTED] District Station, Sgt. [REDACTED]:</p> <ol style="list-style-type: none"> 1. Failed to properly address a complaint by [REDACTED] of misconduct by an officer during a traffic stop. 	Sustained / 15 Day Suspension

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1: Prohibits violation of any law or ordinance.
2. Rule 6: Disobedience of an order or directive, whether written or oral.

¹ COPA found that PPO [REDACTED] acted at the direction of FTO [REDACTED]. Therefore, formal allegations were not served on PPO [REDACTED].

General Orders

1. Complaint and Disciplinary Procedures – General Order G08-01
2. Specific Responsibilities Regarding Allegations of Misconduct – General Order G08-02
3. Conduct of Complaint Investigation – Special Order S08-01-01

Federal Laws

1. 1. United States Constitution, Amendment IV: Prohibits search and seizure without probable cause.²

V. INVESTIGATION³**a. Interviews**

[REDACTED]⁴

During an interview with COPA on May 1, 2018, [REDACTED] told investigators that on April 28, 2018, he was alone when FTO [REDACTED], identified by COPA during this investigation, pulled him over for failing to wear a seat belt. [REDACTED] recalled putting on his seatbelt earlier that day when he first entered his vehicle and that he only took it off once he was pulled over. As PPO [REDACTED], identified by COPA during this investigation, stood at the passenger's side of his vehicle, [REDACTED] presented FTO [REDACTED] with his driver's license and his cell phone, which contained the proof of insurance. FTO [REDACTED] requested permission to search [REDACTED] vehicle but [REDACTED] declined, further stating that no guns were inside his vehicle. At this point, FTO [REDACTED] and PPO [REDACTED] returned to their police vehicle.

After a moment, FTO [REDACTED] returned to [REDACTED] vehicle and asked [REDACTED] to exit the vehicle. [REDACTED] exited his vehicle and PPO [REDACTED] searched the interior of [REDACTED] vehicle as FTO [REDACTED] escorted [REDACTED] to the rear of [REDACTED] vehicle.⁵ [REDACTED] was told by FTO [REDACTED] that the officers could search his car because [REDACTED] had prior arrests. [REDACTED] countered by telling [REDACTED] that he was not previously found guilty, and that officers should not be allowed to search him because of an offense he was acquitted for. Nothing was recovered from [REDACTED] vehicle during the search. FTO [REDACTED] issued [REDACTED] an Investigatory Stop Report instead of a traffic ticket and allowed [REDACTED] to leave the scene.

² “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

³ The following is a summary of the material evidence gathered and relied upon by COPA in our analysis.

⁴ Atts. 7 and 10.

⁵ PPO [REDACTED] searched the passenger compartment of the vehicle. PPO [REDACTED] opened the door and went through compartments in the vehicle. The search proceeded clockwise around [REDACTED] vehicle and included the backseat and driver's area.

Upset about the circumstances surrounding the traffic stop, [REDACTED] drove to the [REDACTED] District Station to file a complaint against FTO [REDACTED]. At the station, [REDACTED] encountered both officers from the traffic stop and Sgt. [REDACTED] at the front desk. [REDACTED] told Sgt. [REDACTED] about his interaction with the officers. Sgt. [REDACTED] refused to register [REDACTED] complaint. Sgt. [REDACTED] explained to [REDACTED] that nothing occurred which arose to a valid complaint, and that officers were permitted to search [REDACTED] car because of legal precedent. [REDACTED] then left the station and filed a complaint with COPA online at home.

Field Training Officer [REDACTED]⁶

During an interview with COPA on July 16, 2018, FTO [REDACTED] told investigators that he and PPO [REDACTED] encountered [REDACTED] after he observed [REDACTED] driving alone without his seatbelt on.⁷ During the stop, FTO [REDACTED] and PPO [REDACTED] simultaneously approached [REDACTED] vehicle. FTO [REDACTED] stood at the driver's side and spoke with [REDACTED] while PPO [REDACTED] stood at the passenger side as the guard officer. As the guard officer, PPO [REDACTED] would watch for anything which could be a safety concern for the officers. FTO [REDACTED] asked [REDACTED] for his driver's license, if he was a concealed carry license holder (something he asks of everyone he stops), and if he would consent to a search of his vehicle. He also asked if there were any weapons in the vehicle. He inquired about the presence of weapons because something must have alerted him; however, he could not recall what alerted him. [REDACTED] gave FTO [REDACTED] his driver's license, told him that he was not a concealed carry license holder, declined to give FTO [REDACTED] consent to search his vehicle, and denied that there were any weapons in the vehicle.

FTO [REDACTED] returned to his Department vehicle to run a namecheck of [REDACTED]. The initial results revealed that [REDACTED] was armed and dangerous. FTO [REDACTED] then ran [REDACTED] criminal history because he wanted to know why [REDACTED] was listed as armed and dangerous. [REDACTED] criminal history revealed that he had previous arrest for unlawful possession of a handgun. FTO [REDACTED] then returned to [REDACTED] vehicle and asked [REDACTED] to exit the vehicle for officer safety. [REDACTED] complied. FTO [REDACTED] then asked PPO [REDACTED] to search/conduct a protective pat-down of [REDACTED] vehicle for weapons. He then explained to [REDACTED] that the vehicle was being searched because of his criminal history. FTO [REDACTED] explained to [REDACTED] that his previous charged for unlawful possession of a weapon would lead any reasonable officer to believe [REDACTED] may have a weapon in the vehicle. FTO [REDACTED] considered [REDACTED] prior arrest as a major factor in his decision to search [REDACTED] vehicle. FTO [REDACTED] was asked what if any threat [REDACTED] was to the officers. FTO [REDACTED] responded by telling investigators that [REDACTED] prior arrest was the threat. Plus, he could not see inside [REDACTED] tall vehicle.

[REDACTED] was calm and cooperative during the traffic stop. Aside from the prior arrest, FTO [REDACTED] could not articulate any threatening action by [REDACTED]. When asked why he did not conduct a protective pat-down of [REDACTED] person, FTO [REDACTED] responded that he chose not to search [REDACTED] because he did not perceive [REDACTED] as a threat and did not feel the need to. Plus, [REDACTED] form fitting pants showed no bulges and nothing alerted him to [REDACTED] possessing a weapon on his person. FTO [REDACTED] stated that only the vehicle was searched because no reasonable officer

⁶ Atts. 31 and 39.

⁷ FTO [REDACTED] was the driver and was driving beside [REDACTED] when he observed [REDACTED] not wearing a seatbelt. FTO [REDACTED] allowed [REDACTED] to drive ahead of him and then he curbed [REDACTED].

would expect [REDACTED] to exit the vehicle with a weapon. Looking back, FTO [REDACTED] regretted not conducting the protective pat-down – he had this feeling despite not perceiving [REDACTED] as a threat. Nevertheless, FTO [REDACTED] told investigators he would make the same decisions if he had the chance to perform the stop over again.⁸ Because it is discretionary, and he does not like “hammering” people with tickets, FTO [REDACTED] decided to not write [REDACTED] a ticket for the seatbelt violation. Additionally, he did not agree with issuance of an Investigative Stop Receipt either but did so in this case because it was mandatory under Department policy.

During follow-up questioning, FTO [REDACTED] told investigators that he drove up next to [REDACTED] vehicle and then slightly ahead of it. At this point, he looked back through [REDACTED] vehicle’s windshield and observed [REDACTED] not wearing a seatbelt. When asked about when he initially ran [REDACTED] plate, FTO [REDACTED] indicated it was possible that he ran the plate before he stopped [REDACTED]. Continuing, FTO [REDACTED] agreed that he most likely knew that [REDACTED] was armed and dangerous before he stopped [REDACTED], but this played no factor in his decision to stop [REDACTED]. When he initially approached [REDACTED] vehicle, nothing, other than the fact that the vehicle was elevated, alerted him to a possible weapon in the vehicle. FTO [REDACTED] further confirmed (not responding to any pending question) that the only reason he pulled [REDACTED] from the vehicle was [REDACTED] criminal history. Also, FTO [REDACTED] expected PPO [REDACTED], who stood at the passenger door, to alert him if she observed anything dangerous in [REDACTED] vehicle. PPO [REDACTED] never alerted him to any danger during the stop.

Shortly after the traffic stop, as he and PPO [REDACTED] were entering the [REDACTED] District Station, FTO [REDACTED] observed [REDACTED] attempting to file a complaint with Sgt. [REDACTED]. FTO [REDACTED] heard [REDACTED] tell Sgt. [REDACTED] that he did not agree with his vehicle being searched without his consent.

Probationary Police Officer [REDACTED]⁹

During an interview with COPA on July 26, 2018, PPO [REDACTED] told investigators that FTO [REDACTED] observed a seat belt violation and told PPO [REDACTED] that he was going to curb [REDACTED] vehicle. PPO [REDACTED] had no independent recollection of the verbal exchange between FTO [REDACTED] and [REDACTED] after [REDACTED] vehicle was curbed. During the stop PPO [REDACTED] was the guard officer positioned at the passenger’s side window and was observant for safety issues.

After learning that [REDACTED] was in the system as being armed and dangerous, PPO [REDACTED] and FTO [REDACTED] returned to [REDACTED] vehicle. FTO [REDACTED] asked [REDACTED] to exit the vehicle and instructed PPO [REDACTED] to search the interior of [REDACTED] vehicle. The front and back of the vehicle were searched. She did not have a clear recollection of the specific areas of the vehicle searched, but believed she searched those areas which would have been easily accessible to [REDACTED]. Nothing was recovered during the search. FTO [REDACTED] issued [REDACTED] an Investigatory Stop Report. [REDACTED] was free to leave after the stop. She did not know if FTO [REDACTED] performed a pat-down on [REDACTED]. Finally, she never saw any sign that [REDACTED] was dangerous or possibly armed during the traffic stop.

⁸ Later during the interview FTO [REDACTED] changes his mind again and tells investigators that he would pat-down [REDACTED] if he had the chance to perform the stop again.

⁹ Atts. 37 and 38.

PPO [REDACTED] stated when she and FTO [REDACTED] arrived at the station later that day, she observed [REDACTED] speaking with Sgt. [REDACTED] about the traffic stop. She was unaware if Sgt. [REDACTED] registered [REDACTED] complaint.

Sergeant [REDACTED] [REDACTED]¹⁰

During an interview with COPA on July 23, 2018, Sgt. [REDACTED] told investigators that on the evening of April 28, 2017 he was working at the [REDACTED] District Station as the District Station Supervisor/Desk Sergeant. [REDACTED] walked in and asked to see a supervisor. Sgt. [REDACTED] met with [REDACTED]. During their verbal exchange, [REDACTED] told Sgt. [REDACTED] that he was upset that the police officers searched the interior of his vehicle without his consent and that he wanted to file a complaint of misconduct against FTO [REDACTED] and PPO [REDACTED]. [REDACTED] went on to inform Sgt. [REDACTED] that he had been arrested for UUW in the past but had never been found guilty. Sgt. [REDACTED] talked with FTO [REDACTED]. FTO [REDACTED] told Sgt. [REDACTED] that he instructed PPO [REDACTED] to conduct a search of the interior of [REDACTED] vehicle because he had received a LEADS caution that [REDACTED] had a history of weapons offenses. Sgt. [REDACTED] believed that the LEADS caution was enough justification for the search of [REDACTED] vehicle and that the officers were clearly exonerated. His conclusion was based upon 24 years of experience and the fact that this was basic police work. Furthermore, Sgt. [REDACTED] did not believe it would have been reasonable to register [REDACTED] complaint because he is required to discontinue any complaint investigation once it is determined the officer is exonerated. Following their conversation, Sgt. [REDACTED] told [REDACTED] that there was no basis for his complaint.

b. Digital Evidence

In-Car Camera Footage¹¹

The in-car camera footage depicts FTO [REDACTED] standing at the driver's side door of [REDACTED] vehicle while holding [REDACTED] driver's license. [REDACTED] hands FTO [REDACTED] his cell phone. FTO [REDACTED] returns the cell phone to [REDACTED]. FTO [REDACTED] and PPO [REDACTED] walk back to the squad car. FTO [REDACTED] tells PPO [REDACTED] that the system listed [REDACTED] as armed and dangerous and checks the system for a recent arrest. PO [REDACTED] re-approaches [REDACTED] at his vehicle. [REDACTED] exits his vehicle. They both walk to the rear of [REDACTED] vehicle. PPO [REDACTED] searches the interior of [REDACTED] vehicle. FTO [REDACTED] and [REDACTED] converse at the rear of his vehicle. PPO [REDACTED] did not find anything inside [REDACTED] vehicle. FTO [REDACTED] instructs [REDACTED] to return to his vehicle. [REDACTED] complies. FTO [REDACTED] and PPO [REDACTED] enter their vehicle. FTO [REDACTED] and PPO [REDACTED] exit their vehicle. FTO [REDACTED] approaches the driver's side of [REDACTED] vehicle. PPO [REDACTED] approaches the passenger side of [REDACTED] vehicle. FTO [REDACTED] gives [REDACTED] an Investigative Stop Receipt and his Driver's License. [REDACTED] drives away from the scene.

¹⁰ Atts. 35, 36, and 40.

¹¹ Atts. 13 and 14.

Body Warn Camera Footage¹²

In summary, the body worn camera footage from FTO [REDACTED] camera depicts FTO [REDACTED] approaching [REDACTED] at the driver's side of [REDACTED] vehicle. FTO [REDACTED] informs [REDACTED] that he is being audio and video recorded and that he stopped him for a seat belt violation. He then requests [REDACTED] driver's license. [REDACTED] apologizes to FTO [REDACTED] for not wearing his seatbelt and hands over his driver's license. FTO [REDACTED] asks [REDACTED] if he is a concealed carry holder, if there are weapons in the vehicle, and for his proof of insurance. [REDACTED] denies having a weapon and provides his proof of insurance. When asked, [REDACTED] denies the officers consent to search his vehicle, and after some additional conversation, the officers return to their vehicle as [REDACTED] waits.

Back at their vehicle, FTO [REDACTED] tells his partner that [REDACTED] came back "armed and dangerous," and that the "armed and dangerous" designation could relate to something from a long time ago. The officers then review [REDACTED] criminal record in an attempt to determine why LEADS listed [REDACTED] as armed and dangerous. Upon a review of [REDACTED] criminal record, FTO [REDACTED] decides to remove [REDACTED] from the vehicle.

FTO [REDACTED] re-approaches [REDACTED] vehicle and asks [REDACTED] to exit. Once [REDACTED] has exited the vehicle, FTO [REDACTED] instructs PPO [REDACTED] to search the vehicle. FTO [REDACTED] informs [REDACTED] that his vehicle is being searched because of his criminal history and for officer safety. Specifically, [REDACTED] is told that he is known to carry weapons and that his vehicle is being searched because of "learned history," to which [REDACTED] argues that he has not been convicted of anything. [REDACTED] and FTO [REDACTED] continue to discuss the legality of the search. After the search is completed, [REDACTED] is returned his license and given an Investigatory Stop Receipt.

Documentary Evidence

The **Investigatory Stop Report** documents that while on patrol FTO [REDACTED] and PPO [REDACTED] conducted a traffic stop on [REDACTED] for failing to wear a seatbelt. During the stop, a LEADS response alerted FTO [REDACTED] that [REDACTED] was armed and dangerous and had a history for UUW arrests. FTO [REDACTED] instructed [REDACTED] to exit his vehicle for officer safety and a protective pat-down for firearms was conducted of the interior of [REDACTED] vehicle. No weapons were found. No citations were issued to [REDACTED].¹³

VI. ANALYSIS**a. FTO [REDACTED] had articulable, reasonable suspicion to conduct a traffic stop**

Traffic stops are seizures under the Fourth Amendment, and thus subject to the Fourth Amendment reasonableness requirement. *Whren v. United States*, 517 U.S. 806, 809-10 (1996). Traffic stops are analyzed under *Terry* because "the 'usual traffic stop' is more analogous to a so-called *Terry* stop than to a formal arrest." *People v. Cosby*, 231 Ill. 2d 262, 274 (2008) (quoting *Berkemer v. McCarty*, 468 U.S. 420, 439 (1984)). The *Terry* test is: "(1) whether the officer's action was justified at its inception, and (2) whether it was reasonably related in scope to the

¹² Atts. 10 and 11.

¹³ Atts. 9 and 17.

circumstances which justified the interference in the first place.” *People v. Bunch*, 207 Ill. 2d 7, 14 (2003) (citing *Terry v. Ohio*, 392 U.S. 1, 19-20 (1968)).

A lawful traffic stop requires “at least [an] articulable and reasonable suspicion that the particular person stopped is breaking the law,” including traffic law. *United States v. Rodriguez-Escalera*, 884 F.3d 661, 667-68 (7th Cir. 2018) (citing *Delaware v. Prouse*, 440 U.S. 648, 663 (1979)). Articulable and reasonable suspicion means that the police “must be able to identify some ‘particularized and objective basis’ for thinking that the person to be stopped is or may be about to engage in unlawful activity,” amounting to more than a hunch. *United States v. Miranda-Sotolongo*, 827 F.3d 663, 666 (7th Cir. 2015) (quoting *United States v. Cortez*, 449 U.S. 411, 417 (1981)). Police need not meet the higher threshold of probable cause to perform a traffic stop, but if the stop is supported by probable cause, its lawfulness is still evaluated under *Terry*. *Rodriguez v. United States*, 135 S. Ct. 1609, 1617-18 (2015). An officer’s subjective intent does not enter into the analysis; even where officers hope to effectuate a goal unrelated to addressing a traffic violation (such as uncovering criminal activity), intent alone does not invalidate a stop that is otherwise objectively justified by reasonable articulable suspicion. See *Whren v. United States*, 517 U.S. 806, 812 (1996).

In the instant case, a preponderance of the evidence demonstrates that FTO [REDACTED] had articulable, reasonable suspicion to conduct a traffic stop. FTO [REDACTED] credibly stated that he observed [REDACTED] not wearing a seat belt. Although [REDACTED] told COPA investigators that he recalled putting his seat belt on earlier that day, FTO [REDACTED] BWC footage depicts [REDACTED] apologizing for not wearing his seat belt during the traffic stop. With limited exceptions,¹⁴ Illinois law and the Chicago Municipal Code requires the driver of a motor vehicle to wear a properly adjusted and fastened seat safety belt while operating a motor vehicle. See 625 ILCS 5/12-603.1; Chicago Municipal Code § 9-76-180. Therefore, COPA recommends a finding of **Exonerated** for Allegation #1 against FTO [REDACTED].

b. FTO [REDACTED] detained [REDACTED] for an unnecessary amount of time and improperly instructed PPO [REDACTED] to search [REDACTED] vehicle.

A traffic stop must last no longer than is required for law enforcement to effectuate its “mission,” which is “to address the [] violation that warranted the stop and attend to related safety concerns.” *Rodriguez v. United States*, 135 S. Ct. 1609, 1614 (2015) (citing *Illinois v. Caballes*, 543 U.S. 405, 407 (2005)). Inquiries unrelated to the stop’s mission are lawful only if they “do not measurably extend the duration of the stop.” *Id.* at 1614; *Caballes*, 543 U.S. at 410.

Under the “automobile exception” to the search warrant requirement, “law enforcement officers may undertake a warrantless search of a vehicle if there is probable cause to believe that the automobile contains evidence of criminal activity that the officers are entitled to seize.” *People v. James*, 163 Ill. 2d 302, 312 (Ill. 1994) (citing *Carroll v. United States*, 267 U.S. 132 (1925)). Furthermore, when officers perform a traffic stop, they may search the passenger compartment for weapons if they articulate reasonable suspicion that the suspect is armed and dangerous or poses a danger of attack. See *Michigan v. Long*, 463 U.S. 1032, 1051 (1983).

¹⁴ The exceptions are not applicable in this case.

FTO [REDACTED] stated that he instructed PPO [REDACTED] to search [REDACTED] vehicle for weapons because of [REDACTED] previous arrest for possession of a handgun and because he could not see inside the elevated vehicle. FTO [REDACTED] could not articulate any other reason for suspecting that [REDACTED] was dangerous or possessed a weapon. Furthermore, FTO [REDACTED] expressly stated that he did not conduct a protective pat-down of [REDACTED] because he did not view [REDACTED] as a threat. PPO [REDACTED] also said she did not observe any signs that [REDACTED] was dangerous or possibly armed during the traffic stop.

Illinois law prohibits a protective pat-down of a person or a vehicle *solely* based on a person's criminal history.¹⁵ See, e.g., *People v. Spann*, 237 Ill. App. 3d 705, 709-10 (3d Dist. 1992). In the instant case, [REDACTED] had merely been arrested for UUW charges and had no criminal convictions. Furthermore, the fact that [REDACTED] vehicle was "elevated" did not justify a search of [REDACTED] vehicle. Therefore, COPA recommends a finding of **Sustained** for Allegation #3 against FTO [REDACTED].

The search of [REDACTED] vehicle extended the length of the stop. Therefore, COPA recommends a finding of **Sustained** for Allegation #2 against FTO [REDACTED].¹⁶

FTO [REDACTED] had no reason to suspect [REDACTED] was armed and dangerous and therefore was not inattentive to duty by failing to conduct a protective pat-down of [REDACTED]. Therefore, COPA recommends a finding of **Exonerated** for Allegation #4.

c. Sgt. [REDACTED] failed to properly address a complaint by [REDACTED]

Sgt. [REDACTED] admitted that he did not initiate [REDACTED] complaint. Sgt. [REDACTED] believed that the LEADS caution was enough justification for the search of [REDACTED] vehicle, and that FTO [REDACTED] was clearly exonerated. Sgt. [REDACTED] stated he is required to discontinue any complaint investigation once the officer is clearly exonerated.

Sgt. [REDACTED] actions violated CPD policy. General Order G08-01-02 required Sgt. [REDACTED] to report the information to COPA and record all information available at the time the allegation was received in a written report and forward the original report to COPA and a copy to BIA without unnecessary delay.¹⁷ Subsequently, Special Order S08-01-01 would permit the BIA or COPA member assigned to investigate the incident to close the investigation without additional investigation if the evidence demonstrated that FTO [REDACTED] was clearly exonerated.¹⁸ Sgt. [REDACTED] was not assigned to investigate the incident and therefore had no authority to close the investigation pursuant to Special Order S08-01-01. General Order G08-01-02 and Special Order S08-01-01 clearly prohibited Sgt. [REDACTED] from, *sua sponte* (i.e. on his own), closing an investigation based on his opinion on the merits of the complaint.

For purposes of evaluating Sgt. [REDACTED] alleged misconduct, it is irrelevant whether FTO [REDACTED] actions ultimately violated Department policy. The City of Chicago Municipal Code and Department Directives provide detailed procedures for investigating police misconduct

¹⁵ However, Illinois law reflects that a person's criminal history may be a factor.

¹⁶ There is no evidence that FTO [REDACTED] was acting in bad-faith or subjectively knew that the search was illegal.

¹⁷ An improper search is not subject to summary punishment.

¹⁸ Even when this provision is applicable, the assigned member would have to place relevant reports and statements in the investigative file.

allegations, evaluating police misconduct allegations, and addressing any disagreements between COPA and Department findings regarding police misconduct allegations.

Therefore, COPA recommends a finding of **Sustained** for Allegation #1 against Sgt. ████.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer ████.

i. Complimentary and Disciplinary History

Complimentary History: Emblem of Recognition – Physical Fitness, 4; Other Awards, 1; Presidential Election Deployment Award 2008, 1; Traffic Stop of the Month Award, 1; Department Commendation, 3; Honorable Mention, 112; Complimentary Letter, 3; Police Officer of the Month Award, 1; Superintendent's Award of Valor, 1; NATO Summit Service Award, 1; 2009 Crime Reduction Award, 1.

Disciplinary History: No prior sustained findings regarding similar allegations of misconduct.

ii. Recommended Penalty, by Allegation

1. Allegation No. 2 – Violation Noted

2. Allegation No. 3 – Violation Noted

b. Sergeant ████

i. Complimentary and Discipline History

Complimentary History: Democratic National Convention Award, 1; Problem Solving Award, 1; Attendance Recognition Award, 4; Presidential Deployment Award 2008, 1; Emblem of Recognition – Physical Fitness, 3; Department Commendation, 4; 2004 Crime Reduction Ribbon, 1; Honorable Mention, 61; Complimentary Letter, 5; NATO Summit Service Award, 1; 2009 Crime Reduction Award, 1.

Disciplinary History: No prior sustained findings regarding similar allegations of misconduct.

ii. Recommended Penalty, by Allegation

1. Allegation No. 1 – 15 Day Suspension

Argument: In this case, but for ████ filing an online complaint with COPA after Sgt. ████ refused to initiate his complaint, Sgt. ████ would have completely circumvented the disciplinary process and been the sole arbiter of

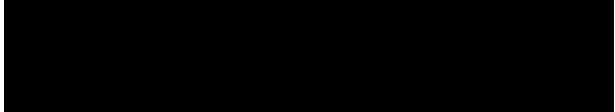
[REDACTED] complaint. Sgt. [REDACTED], a Department supervisor with over 24 years of experience, should know how to properly handle a citizen complaint.

VIII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding / Recommendation
Officer [REDACTED] [REDACTED]	<p>It is alleged that on or about April 28, 2018, at approximately 6:00 pm, at or about [REDACTED] [REDACTED] FTO [REDACTED], # [REDACTED], committed misconduct through the following acts or admissions:</p> <ol style="list-style-type: none"> 1. Initiated a traffic stop on [REDACTED] without justification. 2. Detained [REDACTED] for an unnecessary amount of time during a traffic stop. 3. Permitted PPO [REDACTED] to illegally search the interior of [REDACTED] vehicle without justification. 4. Failed to perform a protective pat-down of [REDACTED]. 	<p>Exonerated</p> <p>Sustained / Violation Noted</p> <p>Sustained / Violation Noted</p> <p>Exonerated</p>
Officer Sgt. [REDACTED] [REDACTED]	<p>It is alleged that on or about April 28, 2018, at approximately 6:00 pm, at or about the [REDACTED] District Station, Sgt. [REDACTED]:</p> <ol style="list-style-type: none"> 1. Failed to properly address a complaint by [REDACTED] of misconduct by an officer during a traffic stop. 	<p>Sustained / 15 Day Suspension</p>

Approved:



March 11, 2019

Date


Deputy Chief Administrator – Chief Investigator

Appendix A

Assigned Investigative Staff

Squad#:	[REDACTED]
Investigator:	[REDACTED]
Supervising Investigator:	[REDACTED]
Deputy Chief Administrator:	[REDACTED]